

REMARKS

I. INTRODUCTION

Claims 1-24, 26-28 and 30-38 are pending. Claim 3 is canceled, and claims 1, 28, and 33 are amended, herein. In the Office Action:

1. Claims 1, 2, 7, 11, 14-17, 21-24, 26-28, and 30-38 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over United States Patent No. 6,477,648 (“Schell”) in view of United States Patent No. 7,222,188 (“Ames”).

2. Claims 3-6, 8-10, 12, 13, and 18-20 were rejected under 35 USC § 103(a) as allegedly unpatentable over Schell and Ames, further in view of United States Patent No. 6,317,729 (“Camp”).

The Office Action raises new grounds of rejection as a result of filing an Appeal Brief.

Applicant respectfully traverses the foregoing rejections at least for the reasons set forth below. In view of the following arguments, all claims are believed to be in condition for allowance over the references of record. Therefore, this response is believed to be a complete response to the Office Action.¹ Further, for any instances in which the Examiner took Official Notice in the Office Action, Applicant expressly does not acquiesce to the taking of Official Notice, and respectfully requests that the Examiner provide an affidavit to support the Official Notice taken in the next Office Action, as required by 37 CFR § 1.104(d)(2).

II. INTRODUCTION

Applicant thanks the Examiner for the telephone interview conducted with Applicant’s representative on August 2, 2010. Claims 1, 3, and 17 were discussed during the interview. Although agreement was not reached with respect to the patentability of any of the claims, the Examiner agreed to consider the amendments and arguments made herein.

¹ As Applicant’s remarks with respect to the Examiner’s rejections are sufficient to overcome these rejections, Applicant’s silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to combine references, assertions as to dependent claims, etc.) is not a concession by Applicants that such assertions are accurate or such requirements have been met, and Applicants reserve the right to analyze and dispute such assertions/requirements in the future.

III. ARGUMENT

A. Independent Claims 1, 28, and 33

Claim 1, rejected as allegedly unpatentable over Schell and Ames, now recites in part “receiving a packet having at least a part of layer 2 header information replaced with a unique bit string” and “wherein the at least a part of the unique bit string examined depends on a type of the transaction, the type being a type of financial transaction.” In the Office Action (page 5), the Examiner conceded that a recitation in now-canceled claim 3 similar to the latter-quoted recitation of claim 1 was not disclosed by Schell or Ames, but contended that the recitation was disclosed by Camp. However, Camp does not teach or suggest a unique bit string at all, much less that “the at least part of the unique bit string examined depends upon a type of the transaction, the type being a type of financial transaction.” Further, even if Camp did teach a unique bit string, it would not have been obvious to combine Camp’s method for securing electronic transactions with Schell’s network interface card for filtering packets sent over a network. Further, the “unique bit string” recited in claim 1 replaces “at least a part of layer 2 header information” in a packet, and it would have not been obvious to modify any “part of layer 2 header information” with any information included in Camp’s messages.

Camp is directed to “a method of purchasing goods with electronic money.” (Camp, Abstract.) As such, Camp discloses various messages related to secure electronic transactions. (*Id.*, column 4, Table 1.) One of these messages, a merchant request to a bank, includes an “identifier for the transaction type.” (*Id.*, column 9, lines 66-67.) Although Camp discloses various identifiers (*e.g.*, *id.*, column 10, Table 3), Camp does not anywhere teach or suggest that any of these identifiers are “a unique bit string.” For least this reason, the rejection of claim 1 should be withdrawn.

Further, even if Camp did disclose “a unique bit string,” which it does not, Camp does not teach or suggest that “at least a part of the unique bit string examined depends on a type of the transaction.” Instead, Camp simply discloses that a transaction type identifier is included in a “capture request.” (*Id.*, column 9, line 59.) Camp does not include any teaching or suggestion related to examining a unique bit string, or any other data, depending “on a type of the transaction.” For least this further reason, the rejection of claim 1 should be withdrawn.

Moreover, it would not have been obvious to modify Schell with the alleged teachings from Camp. As noted above, the transaction type identifier disclosed by Camp is included in a capture request message sent from a merchant to a bank. (*Id.*, column 9, lines 52-67.) Camp does not include any teaching or suggestion that his transaction type identifier is ever included in “layer 2 header information.” In fact, Camp does not include any teaching or suggestion related to packet headers at all. Therefore, even if Camp’s transaction type identifier were a unique bit string, which it is not, there is no reason why it would have been obvious to modify Schell with Camp’s transaction type identifier. Moreover, the Examiner has provided no explanation as to how Camp’s transaction type identifier at all could have been included in “layer 2 header information.” In short, Schell could not, and would not, have been modified with any disclosures from Camp. For at least this further reason, the rejection of claim 1 should be withdrawn.

In sum, independent claim 1 is patentable over the references of record at least for any of the foregoing reasons. Claims 2, 4-16, and 37 are patentable at least by reason of their dependence from claim 1. Further, independent claims 28 and 33, and the claims depending therefrom, are likewise patentable over the references of record at least for similar reasons.

B. Independent Claims 17 and 24

Claim 17 recites in part “determining the network ingress location from the at least a part of the unique bit string.” The Examiner contended that Schell disclosed this recitation. (Office Action, page 4.) In fact, Schell discloses no more than determining source addresses associated with a packet. (Schell, column 3, lines 1-19.) Schell does not provide any teaching or suggestion that a source address is necessarily a “network ingress location.” Moreover, common sense dictates that a source address could specify a node either within or without a network, but in either case, would provide no insight into how a packet entered the network, i.e., “a network ingress location.”

Further, Schell’s disclosure appears to be directed to routing packets in a single network. (Schell, Figure 1; column 3, lines 49-61.) Thus, Schell would have had no reason to include any teaching or suggestion related to “a network ingress location.”

For least the foregoing reasons, the rejections of claim 17, and the claims depending therefrom, should be withdrawn. Independent claim 24, and the claims depending therefrom, are likewise patentable over the references of record at least for similar reasons.

IV. CONCLUSION

All rejections have been addressed. In view of the above, the presently pending claims are believed to be in condition for allowance. Accordingly, reconsideration and allowance are respectfully requested and the Examiner is respectfully requested to pass this application to issue.

It is believed that any fees associated with the filing of this paper are identified in an accompanying transmittal. However, if any additional fees are required, they may be charged to Deposit Account 18-0013, under order number Order No. 65632-0560. To the extent necessary, a petition for extension of time under 37 C.F.R. 1.136(a) is hereby made, the fee for which should be charged against the aforementioned account.

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Respectfully submitted,

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